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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,688	10/17/2003	Ulrich H. Petri	043336-9015-00	9361
23409	7590	07/14/2005	EXAMINER	
MICHAEL BEST & FRIEDRICH, LLP 100 E WISCONSIN AVENUE MILWAUKEE, WI 53202			LE, TAN	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/687,688

Applicant(s)

PETRI ET AL.

Examiner

Tan Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-26, 29-42, 44 and 45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-23, 25, 26, 29-35, 38-42, 44 and 45 is/are rejected.
- 7) ☒ Claim(s) 24, 36 and 37 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/25/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This is the second office action for application serial number 10/687,688. This application contains claims numbered 21-26, 29-42 and 44-45. Claims 1-20, 27-28 and 43 have been canceled. Claim 45 has been added.
2. Resubmission of IDS filed on 5/10/2004 has now been considered.

Claim Rejections - 35 USC § 102

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 21, 22, 25-26, 29-33, 35, 38, 40-42 and 44-45 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 3,783,994 to Tomalty.

As to claim 21, Tomalty discloses a conveyor assembly comprising: a conveyor (48); and a plurality of container handling assemblies (D) coupled to the conveyor, each of the container handling assemblies including, a mounting member (72) (Fig. 3) coupled to the conveyor; a support member (68) releasably engaged to the mounting member; and a one-piece retainer (62, 60) releasably coupled to the support member, the retainer including a first arm portion (60) having a distal end, a second arm portion (62) having a distal end, and a base portion (64) and interconnecting the first and second arm portions such that a container can be engaged and retained by the first and second arm portions, the distal ends being spaced and configured to accept entry of the container such that the arm portions deflect away from one another as the container enters between the distal ends; wherein the retainer can be uncoupled from the support

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member without the use of tools upon disengagement of the support member from the mounting member.

As to claim 22, Tomalty also teaches the support member including spaced apart projections (70 generally) and wherein the retainer is captured and secured with respect to the support member by projections and by at least a portion of the mounting member.

As to claim 25, Tolalty teaches each of the arms including an arcuate portion and the container being securable between the respective arcuate portions of the first and second arm portions.

Claims 26, 29 are therefore also disclosed by Tomalty.

As to claim 30, the retainer of Tomalty is substantially circular in cross section.

As to claim 31, Tomalty also teaches the projection each defines a groove therein and wherein the retainer is positionable in the grooves (U-shaped) to be coupled to the support member.

As to claim 32, the retainer of Tomalty is also capable of releasing from the support member without the use of the tools.

Claims 33 and 35 are also disclosed by Tomalty as described above in claim 21.

Claims 38, 40-42 and 44-45 recited limitations similar to those recited as described above.

Claims 21, 23, 25-26, 29-30, 32-35 and 38-42 and 44-45 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 654,369 to Wagner.

As to claim 21, Wagner teaches a conveyor assembly comprising: a conveyor (x); and a plurality of container handling assemblies (Fig. 1) coupled to the conveyor, each of the container handling assemblies including, a mounting member (Rod S) coupled to the conveyor; a support member (hook portion (Fig. 6) releasably engaged to the mounting member; and a one-piece retainer (no numeral) releasably coupled to the support member, the retainer including a first arm portion (no numeral) having a distal end, a second arm portion (no numeral) having a distal end, and a base portion (V) and interconnecting the first and second arm portions such that a container can be engaged and retained by the first and second arm portions, the distal ends being spaced and configured to accept entry of the container such that the arm portions deflect away from one another as the container enters between the distal ends; wherein the retainer can be uncoupled from the support member without the use of tools upon disengagement of the support member from the mounting member.

As to claim 23, wherein the support member is releasable from the mounting member without the use of tools.

As to claim 25, Wagner teaches each of the arms including an arcuate portion and the container being securable between the respective arcuate portions of the first and second arm portions.

Claims 26, 29 are therefore also disclosed by Wagner as described above.

As to claim 30, the retainer of Wagner is substantially circular in cross section.

As to claim 32, the retainer of Wagner is also capable of releasing from the support member without the use of the tools.

Claims 33-35 are also disclosed by Wagner as described above.

Claims 38-42 and 44-45 recited limitations similar to those recited above are therefore also disclosed by Wagner.

Allowable Subject Matter

4. Claims 24, 36-37 are objected to, but would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments/amendment with respect to claims 21, 26, 38 filed 4/25/05 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. **THIS ACTION IS MADE Non-FINAL.**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Le whose telephone number is (571) 272-6818.

The examiner can normally be reached on Mon. through Fri. from 9:00 AM-6:00 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P. Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tan Le
Patent examiner
June 30, 2005.



ANITA KING
PRIMARY EXAMINER